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Attorneys for Movant District No. 9

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA**

ROSENBAUM CAPITAL LLC, *Individually*  
*and on behalf of all others similarly situated,*

Plaintiff,

vs.

LUMINENT MORTGAGE CAPITAL, INC.,  
 GAIL P. SENECA, SEWELL TREZEVANT  
 MOORE, JR., and CHRISTOPHER J. ZYDA,

Defendants.

CASE NO.: 3:07-cv-04096-PJH

DECLARATION OF  
 MICHAEL GOLDBERG IN  
 SUPPORT OF MOTION FOR  
 CONSOLIDATION OF  
 RELATED ACTIONS,  
 APPOINTMENT AS LEAD  
 PLAINTIFF, AND FOR  
 APPROVAL OF CHOICE OF  
 LEAD COUNSEL

Date: November 14, 2007  
 Time: 9:00 a.m.  
 Ctrm: 3

1 -----X  
2 HOWARD J. KAPLOWITZ IRA, *Individually* )  
3 *and on behalf of all others similarly situated,* )

CASE NO.: 3:07-cv-04140-PJH

4 Plaintiff, )  
5 )

6 vs. )  
7 )

8 LUMINENT MORTGAGE CAPITAL, INC., )  
9 GAIL P. SENECA, SEWELL TREZEVANT )  
10 MOORE, JR., and CHRISTOPHER J. ZYDA, )

11 Defendants. )  
12 -----X

13 ELLIOT GREENBERG, *Individually and on* )  
14 *behalf of all others similarly situated,* )

CASE NO.: 3:07-cv-04141-PJH

15 Plaintiff, )  
16 )

17 vs. )  
18 )

19 LUMINENT MORTGAGE CAPITAL, INC., )  
20 GAIL P. SENECA, SEWELL TREZEVANT )  
21 MOORE, JR., and CHRISTOPHER J. ZYDA, )

22 Defendants. )  
23 -----X

24 DECLARATION OF MICHAEL GOLDBERG IN SUPPORT OF MOTION TO APPOINT AS  
LEAD PLAINTIFF, AND TO APPROVE ITS OF CHOICE OF LEAD COUNSEL

CASE NO.: 3:07-cv-04096-PJH

-----X  
PEM RESOURCES LP, *Individually and on* )  
*behalf of all others similarly situated,* ) CASE NO.: 3:07-cv-04184-PJH  
)  
Plaintiff, )  
)  
vs. )  
)  
LUMINENT MORTGAGE CAPITAL, INC., )  
GAIL P. SENECA, SEWELL TREZEVANT )  
MOORE, JR., and CHRISTOPHER J. ZYDA, )  
)  
Defendants. )  
-----X

ALLEN M. METZGER, *Individually and on* )  
*behalf of all others similarly situated,* ) CASE NO.: 3:07-cv-04686-PJH  
)  
Plaintiff, )  
)  
vs. )  
)  
LUMINENT MORTGAGE CAPITAL, INC., )  
GAIL P. SENECA, SEWELL TREZEVANT )  
MOORE, JR., and CHRISTOPHER J. ZYDA, )  
)  
Defendants. )  
-----X

DECLARATION OF MICHAEL GOLDBERG IN SUPPORT OF MOTION TO APPOINT AS  
LEAD PLAINTIFF, AND TO APPROVE ITS OF CHOICE OF LEAD COUNSEL

1           1.     I am a partner of the law firm of Glancy Binkow & Goldberg LLP. I  
2 make this Declaration in support of the accompanying Motion to Consolidate Related  
3 Cases, Appoint District No. 9, International Association of Machinists and Aerospace  
4 Workers Pension Trust (“District No. 9”) as Lead Plaintiff, and Approve District No.  
5 9’s choice of counsel. The matters set forth herein are stated within my personal  
6 knowledge.  
7

8           2.     Attached hereto are true and correct copies of the following documents:  
9               a.     Exhibit A: District No. 9’s sworn Certification;  
10              b.     Exhibit B: Chart evidencing the losses incurred by District No. 9;  
11              c.     Exhibit C: Press release issued on *Prime Newswire*, dated August  
12 8, 2007;  
13              d.     Exhibit D: Firm resume for Bernstein Liebhard & Lifshitz, LLP;  
14 and  
15              e.     Exhibit E: Firm resume for Glancy Binkow & Goldberg LLP.  
16

17           I declare under penalty of perjury that the foregoing is true and correct.  
18 Executed this 9<sup>th</sup> day of October, 2007, at Los Angeles, California.  
19

20                               /s/ **Michael Goldberg**

21                               \_\_\_\_\_  
MICHAEL GOLDBERG

# **EXHIBIT A**

**CERTIFICATION OF NAMED PLAINTIFF  
PURSUANT TO FEDERAL SECURITIES LAWS**

DISTRICT NO. 9, INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS PENSION TRUST ("PLAINTIFF"), declares the following as to the claims asserted under the federal securities laws:

1. Plaintiff has reviewed the complaint filed in this matter and has authorized the filing of a complaint based on similar allegations in a related or amended complaint. Plaintiff retains Bernstein Liebhard & Lifshitz, LLP and such co-counsel it deems appropriate to associate with to pursue such action.
2. Plaintiff did not purchase the security that is the subject of this action at the direction of Plaintiff=s counsel or in order to participate in this private action.
3. Plaintiff is willing to serve as a lead plaintiff either individually or as part of a group. A lead plaintiff is a representative party who acts on behalf of other class members in directing the action, and whose duties may include testifying at deposition and trial. I understand that the litigation is not settled, this is not a claim form, and sharing in any recovery is not dependent upon execution of this Certification.
4. Plaintiff's transaction(s) in the LUMINENT MORTGAGE CAPITAL, INC. security that is the subject of this action during the class period are as follows:

<u>No. of Shares</u>	<u>Stock Symbol</u>	<u>Buy/Sell</u>	<u>Date</u>	<u>Price Per Share</u>
SEE ATTACHMENT				

Please list other transactions on a separate sheet of paper, if necessary.

5. Plaintiff has been appointed to serve as a representative party for a class in the following actions filed under the federal securities laws during the three years prior to the date of this Certification: *Charatz V. Avaya, Inc., et al.*, No. 3:05-cv-02319-MLC-TJB (D.N.J.); *In re RenaissanceRe Holdings, Ltd. Sec. Litig.*, No. 1:05-cv-06764-WHP (S.D.N.Y.)
6. Plaintiff is seeking to serve as a representative party for a class in the following action filed under the federal securities laws: *Macrina v. J. Roger Moyer, Jr., et al.*, No. 1:07-cv-04108-JGK (S.D.N.Y.)
7. Plaintiff initially sought to serve as a representative party for a class in the following action filed under the federal securities laws during the three years prior to the date of this Certification: *Keritsis v. Campbell, et al.*, No. 05-CV-1926 (S.D.N.Y.)
8. The undersigned is authorized to sign this Certification on behalf of Plaintiff.
9. Plaintiff will not accept any payment for serving as a representative party on behalf of the class beyond the Plaintiff=s pro rata share of any recovery, or as ordered or approved by the court, including any award for reasonable costs and expenses (including lost wages) directly relating to the representation of the class.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 4<sup>th</sup> day of October, 2007.

Roger E Poole  
Signature

Roger E. Poole, Managing Trustee

Print Name

12365 St Charles Rock Rd  
Address

Bridgeton Mo 630 441  
City, State, Zip

314-739-6200  
Phone Number

R.Poole@district9.org  
Email Address

## ATTACHMENT TO CERT.

District No. 9, International Association of Machinists and Aerospace Workers Pension Trust  
Luminent Mortgage Capital Inc. (NYSE: LUM)

PURCHASE TRANSACTIONS

<u>DATE</u>	<u>SHARES</u>	<u>COST</u>
11/16/06	25,000	\$10.4848
02/27/07	20,000	\$9.5315
03/23/07	15,000	\$8.9895
03/27/07	10,000	\$9.0048
05/10/07	15,000	\$8.9817
07/16/07	15,000	\$9.5351

SALES TRANSACTIONS

<u>DATE</u>	<u>SHARES</u>	<u>SALES PRICE</u>
07/05/07	14,700	\$10.6813
07/06/07	20,000	\$10.4623

## **EXHIBIT B**



Luminert Mortgage Capital Inc. (NYSE: LUM)  
Bernstein Liebhart & Lifshitz, LLP

Class Period: 10/10/06 - 08/06/07											
PLAINTIFF	PURCHASE TRANSACTIONS				SALES TRANSACTIONS				SHARES HELD	ESTIMATED VALUE	ESTIMATED LOSSES
	DATE	SHARES	COST	PURCHASE AMOUNT	DATE	SHARES	SALES PRICE	SALES AMOUNT			
District No. 9, International Association of Machinists and Aerospace Workers Pension Trust	pre-class holdings	98,000			07/05/07	14,700	10.6813				
					07/06/07	20,000	10.4623				
					08/07/07	63,300	0.4623				
					Total	98,000					
District No. 9, International Association of Machinists and Aerospace Workers Pension Trust Totals											

Post-class period sales are italicized

# **EXHIBIT C**

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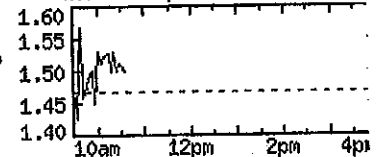
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**Press Release**

Source: Faruqi & Faruqi LLP

# **Faruqi & Faruqi, LLP Announces Filing of Class Action Lawsuit Against Luminent Mortgage Capital, Inc. -- LUM**

Wednesday August 8, 5:01 pm ET

NEW YORK, Aug. 8, 2007 (PRIME NEWSWIRE) -- Notice is hereby given that a class action lawsuit was commenced in the United States District Court for the Northern District of California on behalf of all purchasers of Luminent Mortgage Capital, Inc. ("Luminent" or the "Company") (NYSE:[LUM](#) - [News](#)) securities between July 24, 2007 and August 6, 2007, inclusive (the "Class Period"). A copy of the complaint filed in this action can be viewed on the Faruqi & Faruqi, LLP website at <http://www.faruqilaw.com>.

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The complaint charges defendants with violations of federal securities laws by, among other things, issuing a series of materially false and misleading press releases and SEC filings regarding Luminent's financial results and business prospects. Specifically, the complaint alleges that Luminent failed to disclose: (i) the Company was not sufficiently liquid; (ii) the Company's financial statements and reports were not prepared in accordance with GAAP and SEC rules; and (iii) that

defendants lacked any reasonable basis to claim that the Company had ample liquidity and that the dividend payments were secure. As a result, the price of the Company's common stock was artificially inflated throughout the Class Period. On August 6, 2007, however, defendants shocked the market when they announced that the Company was cancelling the payment of its dividend. In response to the announcement, Luminent's share price dropped to a low of \$3.75 on August 6, 2007 before trading was halted. It then opened on August 7, 2007 at \$0.50, representing a drop of over 85%.

Plaintiff seeks to recover damages on behalf of himself and all other individual and

- Related News Stories**
- [Earnings Roundup: Luminent, Actuant](#) - AP (Wed Sep 26)
  - [Luminent Revises 2Q Earnings Lower](#) - AP (Wed Sep 26)
  - [Luminent Mortgage posts drop in second-quarter profit](#) - at MarketWatch (Wed Sep 26)
  - [InPlay: Luminent Mortgage Capital Files 2007 Second Quarter Form 10-Q](#) - Briefing.com (Wed Sep 26)

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- [KB Home Swings to 3Q Loss](#) - AP (10:56 am)

institutional investors who purchased or otherwise acquired Luminent securities between July 24, 2007 through August 6, 2007, excluding defendants and their affiliates. Plaintiff is represented by Faruqi & Faruqi, LLP, a law firm with extensive experience in prosecuting class actions and significant expertise in actions involving corporate and securities fraud.

If you wish to obtain information concerning joining this action you can do so under the "Join Lawsuit" section of our website at <http://www.faruqilaw.com>.

If you purchased Luminent securities during the Class Period, you may, not later than Monday, October 8, 2007, move the court to serve as lead plaintiff of the class, if you so choose. In order to serve as lead plaintiff, however, you must meet certain legal requirements.

More information on this and other class actions can be found on the Class Action Newsline at <http://www.primenewswire.com/ca>

**Contact:**

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Source: Faruqi & Faruqi LLP

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## **EXHIBIT D**

**BERNSTEIN LIEBHARD & LIFSHITZ, LLP**

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New York, New York 10016  
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Harrisburg, PA 17101  
(717) 234-6646**

Bernstein Liebhard & Lifshitz, LLP was formed in 1993 as a boutique litigation practice to represent institutional and individual investors in shareholder class and derivative action litigation and consumers in consumer fraud and antitrust litigation.

In 2007, Bernstein Liebhard & Lifshitz, LLP was one of only six plaintiffs' securities class action firms listed in THE LEGAL 500, a guide to the best commercial law firms in the United States. According to its editor, THE LEGAL 500 is an independent "guide to 'the best of the best' -- the pre-eminent firms in the world's strongest and most competitive legal market." The firm has also been recognized by THE NATIONAL LAW JOURNAL for four consecutive years as one of the top plaintiffs' firms in the country. In 2006, THE NATIONAL LAW JOURNAL named only eleven firms to the list (down from twenty-five in 2003, twenty in 2004, and twelve in 2005). The firm is one of only three firms chosen for the list in all four years; of those three, it is the only firm to have securities litigation as its primary focus. The firm has also received Martindale-Hubbell's highest ratings for legal ability (A) and ethical standards (V). With more than forty lawyers, the firm has offices in New York and Pennsylvania.

We have been appointed lead counsel in numerous class actions around the country and actively litigated scores of actions to successful conclusions. For example, the firm, as lead or executive committee counsel, has successfully obtained many multi-million dollar settlements of securities class actions and commercial litigations. These cases include: *In re Initial Public Offering Securities Litigation* (in which there is a \$1 billion minimum settlement guarantee by the issuer defendants, preliminarily approved by the court, and an April 2006 agreement by one of the underwriter defendants, JP Morgan, to pay \$425 million); *In re Deutsche Telekom AG Securities Litigation* (\$120 million); *AXA Financial Shareholders Litigation* (\$500 million increased merger consideration); *Lin Broadcasting*

*Corporation Shareholders Litigation* (\$64 million increased merger consideration); *Bankers Trust Securities Litigation* (\$58 million); *Bausch & Lomb, Inc. Securities Litigation* (\$42 million); *Riscorp Inc. Securities Litigation* (\$21 million); *Banpais S.A. Securities Litigation* (\$9.25 million); and *Triton Energy Corporation Securities Litigation* (\$8 million). The firm acted as special litigation counsel to the Creditors Committee of Pandick Inc. (formerly the largest financial printer in the country) in connection with a complex fraudulent conveyance litigation and successfully recovered from Pandick's banks and directors over \$14 million for Pandick's creditors.

The firm has also served as lead counsel in numerous corporate governance and corporate takeover litigations (both hostile and friendly) on behalf of stockholders of public corporations. The firm has prosecuted actions challenging numerous highly publicized corporate transactions which violated fair process and fair price, and the applicability of the business judgment rule. These cases have resulted in multi-million dollar improvements in transaction terms and in strengthening the democratic rights of public shareholders. Recently, the firm successfully represented the public stockholders of Quickturn Design Systems, Inc. in a trial in the Delaware Chancery Court, which invalidated a modified "dead-hand" poison pill anti-takeover provision. The trial verdict was affirmed by the Delaware Supreme Court, paving the way for a takeover of Quickturn at a substantial premium.

The firm has an active consumer practice, and has, for instance, obtained large settlements in consumer fraud class actions for classes consisting of owners and lessees of certain Volvo automobiles (\$30 million) and certain Saab automobiles (\$4.25 million). The firm has also achieved substantial consumer class action settlements against processors of apple juice, including Minute Maid, Juicy Juice, and Tropicana, as well as against Doan's Back Pills.

The firm is presently litigating antitrust and consumer class actions against Pfizer, Del Monte Fresh Produce Company, and many Not-For-Profit Hospitals in the Northeast.

Courts have repeatedly praised the efforts of the firm and its partners.

Vice Chancellor (now Delaware Supreme Court Justice) Myron T. Steele, in approving a shareholder class action settlement about which the Court stated "I'm impressed with the innovative nature . . . of the benefit that's been provided," continued his remarks to partner Stanley Bernstein: "It's

my turn to make a compliment in open court: that the plaintiff is represented by highly competent counsel, a counsel that demonstrates consistently to me an incredible work ethic in achieving the benefits that were achieved here.” *In re Illinois Central Corporation Shareholders Litigation*, C.A. 16184 (Del. Chancery Ct.), Transcript of Hearing, Feb. 25, 1999 at 29-30.

Judge Denise Cote, in approving a \$7.5 million settlement where the firm served as sole lead counsel, found that: “Plaintiffs are represented by counsel who are skilled in federal securities and class action litigation . . . . Counsel have been diligent and well prepared. Jeffrey Haber, in particular, was especially helpful . . . . Plaintiffs’ counsel has performed an important public service in this action and have done so efficiently and with integrity . . . . You have the thanks of this court.” *In re Take Two Interactive Software, Inc. Securities Litigation*, 01 Civ. 9919, S.D.N.Y., Transcript of Hearing, October 4, 2002 at 40, 44.

In approving a settlement on behalf of the purchasers of Tower Air, Inc. securities and describing the firm’s services for the class as sole lead counsel, Judge Reena Raggi of the Eastern District of New York commented that: “[t]he quality of the legal work throughout has been high and conscientious . . . .” *In re Tower Air, Inc. Securities Litigation*, 94 Civ. 1347, E.D.N.Y., Transcript of Hearing, February 9, 1996 at 52.

Chief Judge Gene Carter of Maine, in commenting on three of the firm’s current partners at their respective law firms, noted that “the performance of counsel . . . has been absolutely outstanding. It has been a pleasure to be involved with each of you in handling this case.” *Nensel v. Peoples Heritage Financial Group, Inc.*, No. 91-324-P-C, D. Me., Transcript of Hearing, December 17, 1992 at 12.

Judge Wayne Andersen of the Northern District of Illinois, in approving a proxy fraud settlement, commented to partner Stanley Bernstein: “Mr. Bernstein, it has actually been a pleasure getting to know and work with you on this. . . . [Y]ou make a really good presentation.” *Hager v. Schawk, Inc.*, No. 95 C6974, N.D. Ill., Transcript of Hearing, May 21, 1997 at 22.

Similarly, Judge Robert Cindrich of the Western District of Pennsylvania, in approving a securities fraud settlement, endorsed the findings that: “Counsel . . . have been professional and realistic in this matter . . . . The court has been impressed with the competence and candor of counsel. . . .”



*DeCicco v. American Eagle Outfitters, Inc.*, C.A. 95-1937, Report and Recommendation of Magistrate Judge Kenneth Benson, November 25, 1996 at 6 (adopted as opinion of Court by Judge Cindrich, December 12, 1996).

## **FIRM BIOGRAPHY**

### ***Partners***

*Stanley D. Bernstein* is a 1980 graduate of the New York University School of Law, where he was an editor of the Journal of International Law and Politics. He was named one of the 500 Leading Litigators in America in 2006 and one of the 500 Leading Plaintiffs' Lawyers in 2007 by Lawdragon Magazine, and he was named a Super Lawyer by Super Lawyer Magazine in the Fall of 2007. He is a frequent lecturer on directors and officers liability, class action practice and securities law issues at seminars sponsored by Practising Law Institute, The American Conference Institute, the New York City Bar Association, the National Association of Corporate Directors, AIG Insurance, and other organizations. Before forming Bernstein Liebhard & Lifshitz, LLP, Mr. Bernstein practiced securities and commercial litigation at Weil, Gotshal & Manges, Gelberg & Abrams, and Kreindler & Kreindler.

Mr. Bernstein is lead counsel in *In re Royal Dutch/Shell Transport Securities Litigation*, vice chair of the Plaintiffs' Executive Committee in *In re Initial Public Offering Securities Litigation*, and has been lead counsel in many of the leading securities cases enforcing and expanding the rights of shareholders, including: *In re Sears, Roebuck Derivative Litigation* and *In re Archer Daniels Midlands Corp. Derivative Litigation* (pioneering cases which improved corporate governance at both companies); *In re Bankers Trust Securities Litigation* (largest recovery ever on behalf of defrauded securities sellers - \$58 million); and *Shapiro v. Quickturn Design Systems* (successfully tried in Delaware Chancery Court and affirmed by Delaware Supreme Court, invalidating anti-takeover device).

He has been lead counsel in scores of securities class actions and is one of the most active litigators in the nation on behalf of shareholder rights in the Delaware Chancery Court, where most important corporate governance litigation is conducted. He has tried many cases in state and federal court, and has successfully argued appeals on behalf of shareholders to the Delaware Supreme Court and

the United States Second Circuit Court of Appeals. He is admitted to the Bars of the States of New York and Florida.

Sandy A. Liebhard is a 1988 graduate from Brooklyn Law School and has practiced all aspects of securities law for the past 18 years. He has been lead or co-lead counsel in such major securities cases as: *In re AXA Financial Shareholders Litigation* (\$500 million in increased merger consideration); *In re Lin Broadcasting Corporation Shareholders Litigation* (recovering \$64 million in increased merger consideration); *In re Bausch & Lomb, Inc. Securities Litigation* (achieving a \$42 million recovery for defrauded shareholders); and *In re Tenneco Securities Litigation* (\$50 million recovery). Mr. Liebhard presently serves as lead or co-lead counsel in such major cases as *In re Terayon Communication Systems, Inc. Securities Litigation*, *In re Revlon, Inc. Securities Litigation*, and *In re BellSouth Corp. Securities Litigation*, and is currently serving on the Plaintiffs' Executive Committee in *In re Initial Public Offering Securities Litigation*. He is admitted to the Bars of the State of New York and the United States District Courts for the Southern and Eastern Districts of New York.

Mel E. Lifshitz is a 1989 graduate of Brooklyn Law School. Mr. Lifshitz is a distinguished litigator whose practice focuses on securities and consumer class action litigation. Mr. Lifshitz's practice focuses on securities and consumer class action litigation. He achieved a \$120 million settlement on behalf of shareholders in *In re Deutsche Telekom AG Securities Litigation*, a \$58 million settlement on behalf of shareholders in *In re Bankers Trust Securities Litigation* and was co-lead counsel in *In re Riscorp Inc. Securities Litigation*, which resulted in a \$21 million settlement on behalf of shareholders. In addition, Mr. Lifshitz is co-lead counsel in the following cases: *In re Xerox Corp. Securities Litigation*; *In re Cigna Corp. Securities Litigation*; *In re Marsh & McLennan Companies, Inc. Securities Litigation*; and *In re BellSouth Corp. Securities Litigation*. He is also Chairman of the Executive Committee in *In re Abercrombie & Fitch Co. Securities Litigation*, as well as lead or co-lead counsel in many other large securities class actions.

He was also the lead counsel in *Tuchman v. Volvo Cars of North America, Inc.*, a consumer class action that resulted in a settlement value of more than \$30 million. He is admitted to the Bars of the State

of New York, the District of Columbia, and the United States District Courts for the Southern and Eastern Districts of New York.

Jeffrey M. Haber received his B.S. from the State University of New York at Buffalo in 1985, graduating *magna cum laude* and as a *Phi Beta Kappa*. He received his J.D. in 1988 from Hofstra University School of Law, where he was a notes and comments editor for the International Property Law Journal. Upon graduation, Mr. Haber concentrated his practice in securities and commodity law with a New York law firm, where he represented both plaintiffs and defendants in arbitrations and litigations in various state and federal courts and self-regulatory agencies. In 1991, Mr. Haber became associated with, and later a member of, a New York plaintiffs' firm, Wechsler Harwood LLP, where he concentrated his practice on securities and consumer fraud class actions, antitrust class actions, and shareholders' rights litigation. In April 2000, Mr. Haber joined Bernstein Liebhard & Lifshitz, LLP as a partner, concentrating his practice in complex class action litigation involving shareholders' rights, securities fraud, and consumer protection litigation. In his career, Mr. Haber has been a member of multiple trial teams in civil cases, and has conducted numerous securities arbitrations before the NASD and NYSE.

Mr. Haber has been lead counsel, co-lead counsel, or a member of an executive committee in a number of notable and successful class action litigations, including *In re Taxable Municipal Bonds Litigation* (E.D. La.) (\$110 million settlement) and *In re JDN Realty Corp. Securities Litigation* (N.D. Ga.) (\$16.8 million settlement). Mr. Haber also has been lead counsel, co-lead counsel, or a member of an executive committee in a number of successful shareholders' rights litigations, including: *In re The Times Mirror Co. Shareholders Litigation* (Del. Ch.) (settlement benefit in excess of \$20 million); *Edge Partners L.P. v. Dockser* (D. Md.) (settlement benefit in excess of \$11 million); and *In re Archer Daniels Midlands Corp. Derivative Litigation* (Del. Ch.) (settlement benefit in excess of \$8 million). Mr. Haber played a significant role in the factual investigation of *In re Home Shopping Network Inc. Derivative Litigation* (S.D. Fla.), which led to a settlement benefit in excess of \$20 million. He also played a significant role in the investigation and prosecution of *In re Banc One Securities Litigation* (N.D. Ill.), which resulted in a \$45 million settlement. Mr. Haber further served as lead counsel in a precedent-setting decision under the Investment Company Act of 1940 regarding the independence of directors

serving on multiple boards of mutual funds operated by the same investment company. Mr. Haber is currently co-lead counsel in *In re Xerox Corp. Securities Litigation*, among other notable securities class actions. He is also the partner in charge of day-to-day supervision in *In re Royal Dutch/Shell Transport Securities Litigation*.

Mr. Haber is admitted to the Bar of the State of New York, the United States Court of Appeals for the Fifth Circuit, and the United States District Courts for the Southern and Eastern Districts of New York, the Western District of Pennsylvania, and the District of Arizona.

Robert J. Berg graduated from Amherst College *cum laude* with a B.A. in 1979, majoring in Economics and Psychology. In 1983, he received a J.D. from the University of Chicago Law School and an M.B.A. from the University of Chicago Graduate School of Business. Mr. Berg began his career as an attorney at Skadden, Arps, Slate, Meagher & Flom, where he specialized in antitrust litigation, and continued his career at LeBoeuf, Lamb, Greene & MacRae, where he was a litigator. Mr. Berg then joined Wolf Popper LLP, and Lite DePalma Greenberg & Rivas, where he concentrated his practice on representing plaintiffs in securities and consumer fraud class actions. In 1998, Mr. Berg joined Bernstein Liebhard & Lifshitz, LLP, where he concentrates his practice in complex class action litigation involving shareholders' rights, securities fraud, consumer fraud, false advertising, and antitrust issues. Mr. Berg presently is one of the liaison counsel in *In re Initial Public Offerings Securities Litigation*, and he is lead counsel for plaintiffs in *In re Abercrombie & Fitch Company Securities Litigation*. Mr. Berg was co-lead counsel for plaintiffs in *In re Deutsche Telekom AG Securities Litigation*, which was settled for a \$120 million in 2005. He was one of the lead attorneys representing plaintiffs in *In re Bankers Trust Securities Litigation*, which was settled for \$58 million in May 2002, a few weeks before trial.

Prior to joining the firm, Mr. Berg was the chief plaintiffs' attorney in *Princeton Economics Group, Inc. v. AT&T Corp.*, a national consumer fraud class action against AT&T for false advertising, which was one of the largest consumer fraud cases ever settled in the New Jersey state court system (a settlement valued by the Court at over \$90 million). Mr. Berg and the firm have also achieved other large settlements in national consumer fraud class actions, such as *Tuchman v. Volvo Cars of North America, Inc.* (more than \$30 million) and *Barton v. Saab Cars of North America, Inc.* (\$4.25 million). Mr. Berg is

admitted to the Bars of the States of New York and New Jersey, the United States District Courts for the Southern and Eastern Districts of New York and the District of New Jersey, and the Courts of Appeals for the Second, Third, and D.C. Circuits. Mr. Berg has been a member of the Trade Regulation Committee and the Consumer Affairs Committee of the New York County Lawyers Association and has been an arbitrator for the Civil Court of the City of New York.

Francis P. Karam graduated from Holy Cross College in 1977 with an A.B. in the Classics, and in 1981 received his J.D. from Tulane University School of Law. Upon graduation, he practiced admiralty and maritime law with a New York law firm, where he represented international insurance companies in commercial arbitrations and litigation in various federal courts. From 1984 to 1990, Mr. Karam was an Assistant District Attorney in the Bronx, where he served as a senior Trial Attorney in the Homicide Bureau. He entered private practice in 1990, specializing in trial and appellate work in state and federal courts. Before joining the firm, Mr. Karam was a partner at a prominent Manhattan plaintiffs' securities firm. Mr. Karam has, in his career, tried over 100 criminal and civil cases, including complex cases involving tax fraud and commercial fraud. He has argued numerous appeals in the state and federal courts.

Mr. Karam played a significant role in the factual investigation and successful opposition to the defendants' motions to dismiss in *In re Enron Securities Litigation*. He was co-lead counsel in *In re Aremissoft Securities Litigation Trust*, which alleged class action and other financial claims on behalf of equity holders. The Court described the case as "a panoply of complex legal issues resulting in an innovative application of traditional bankruptcy law." Mr. Karam was also co-lead counsel in *In re Thomas and Betts Securities Litigation*, where he achieved a \$46.5 million settlement on behalf of the shareholder class. He is currently co-lead counsel in *In re Xerox Corp. Securities Litigation*, *In re BellSouth Corp. Securities Litigation* and *In re Cigna Securities Litigation*. Recent successful settlements include: *In re Footstar Securities Litigation*, \$20.3 million, *In re SeeBeyond Securities Litigation*, \$13.1 million, *In re Quality Distribution Securities Litigation*, \$8.15 million, and *In re Deutsche Telecom Securities Litigation*, \$120 million. Mr. Karam concentrates his practice in complex class action litigation involving shareholders' rights and securities fraud. Mr. Karam is an active teacher and lecturer for the

National Institute for Trial Advocacy, and recently was a panelist at the ABA Business Law section seminar *Corporate Accounting in the Wake of Enron*. He is admitted to the Bars of the State of New York and the Commonwealth of Pennsylvania, the United States Court of Appeals for the Second Circuit, and the United States District Courts for the Southern and Eastern Districts of New York.

Rebecca M. Katz is a 1990 graduate of Hofstra University School of Law, where she was a member of the Hofstra Law Review. She has prosecuted securities fraud cases on behalf of the SEC and private investors throughout her entire career. As Senior Trial Counsel in the Enforcement Division of the U.S. Securities and Exchange Commission (from 1993 through 1998), she prosecuted major cases involving violations of the federal securities laws, including insider trading, market manipulation, and accounting fraud. Representative cases include *SEC v. Karczewski* (Stockbridge Funding) (S.D.N.Y.); *SEC v. Dillon* (BusinessWeek) (D. Conn.); *SEC v. F.N. Wolf & Co., Inc.* (S.D.N.Y.); and *SEC v. Sarivola* (S.D.N.Y. 1995). Prior to joining the firm in 2001, she was associated with Lieff, Cabraser, Heimann & Bernstein, LLP, where she served as counsel for plaintiff classes in several securities cases, including *Dietrich v. Bauer* (S.D.N.Y.) (securities class action involving trading in the securities of Scorpion Technologies Inc.), and is presently serving on Plaintiffs' Executive Committee in *In re Initial Public Offering Securities Litigation* (S.D.N.Y.). She is admitted to the New York State Bar and to the bars of the United States District Courts for the Southern and Eastern Districts of New York.

U. Seth Ottensoser graduated with high honors in 1992 from Queens College of the City University of New York, where he was elected to and became a member of Phi Beta Kappa. Mr. Ottensoser received a J.D. degree in 1995 from the University of Southern California School of Law. Mr. Ottensoser concentrates his practice in the areas of merger and acquisition litigation, securities class actions, and corporate litigation. He is a frequent lecturer on the issues of civil procedure, federal practice, class actions, and corporate governance, and has written extensively and been published on those matters. Mr. Ottensoser has served as a member of the Special Committee on Mergers, Acquisitions and Corporate Control Contests of the Association of the Bar of the City of New York. He is a regular lecturer at the UCLA Anderson School of Management Directors' and Officers' Certification Program, where he has also been a keynote lunch speaker. He is also a regular guest lecturer in Professor Geoffrey

Miller's class on class action practice at the New York University School of Law. Before joining Bernstein Liebbard & Lifshitz, LLP, he was a partner at a prominent Manhattan plaintiffs' securities firm.

Mr. Ottensoser has been involved in many successful class actions, including: *In re Plains Resources, Inc. Shareholders Litigation*, No. 071-N (Del. Ch. 2004) (\$67 million in additional merger consideration for the public shareholders of Plains Resources); *In re Mony Group, Inc. Shareholder Litigation*, No. 20554 (Del. Ch. 2004) (Delaware Chancery Court issued a preliminary injunction enjoining the shareholder vote on a merger of MONY with AXA Financial, pending the issuance of curative disclosures by the MONY defendants. As part of the settlement, certain of MONY's executives forfeited approximately \$7.4 million in change-of-control payments, funding an increase in the consideration received by MONY's shareholders in the merger); *In re Sipex Corp. Securities Fraud Litigation* (\$6 million recovery); *In re Aetna, Inc. Securities Litigation* (\$82.5 million recovery); *In re Triton Energy Ltd. Securities Litigation* (\$49.5 million recovery); *In re Ascent Entertainment Derivative Litigation* (\$40 million derivative settlement relating to the sale of the Denver Nuggets and Colorado Avalanche); *In re Waste Management Derivative Litigation* (\$25 million recovery); and *In re Kinkos Shareholder Litigation* (\$8.5 million recovery for class consisting of approximately 160 shareholders). He is currently the partner in charge of day-to-day supervision in *In re Marsh & McLennan Companies, Inc. Securities Litigation*, and is also involved in *In re Royal Dutch/Shell Transport Securities Litigation*. He is admitted to the Bars of the State of New York and the United States Courts for the Southern and Eastern Districts of New York, the District of Colorado, and the Eastern District of Wisconsin.

William A. K. Titelman has been actively involved in government, law and public policy throughout his career. He began his career serving in several key positions in Pennsylvania state government, including Director of Motor Vehicles and Special Assistant to the Governor for Government Management. Then, after graduating from The Dickinson School of Law in 1980, Mr. Titelman led the Pennsylvania Trial Lawyers Association for nearly a decade in its efforts to protect and expand individual rights, including shareholder rights, and drafted key provisions of Pennsylvania's automobile insurance and consumer safety laws. Subsequently, he became a partner at Klett Rooney Lieber & Schorling, LLP (now Buchman Ingersoll & Rooney PC), a leading Pennsylvania law firm, where he served on the firm's



Board of Directors and chaired both its Harrisburg office and its Administrative Law and Government Affairs Practice Group. One of his major clients was the Pennsylvania Public School Employees' Retirement System (PSERS).

In 1988, Mr. Titelman led the successful enactment of a new Pennsylvania Business Corporation Law. Then, during 1989 and 1990, he led a national campaign that included organizing major public pension funds and other institutional investors, shareholder rights activists, former SEC Commissioners, leading economists, and deans of business and law schools, to oppose and successfully amend Pennsylvania Senate Bill 1310. *The Wall Street Journal* described this legislation as the most onerous anti-shareholder, management-protection bill ever proposed in the United States. His other legislative achievements include enactment of a seatbelt law, several environmental laws, including the nation's first "brownfields" law, and the nation's second electric utility deregulation law. He also served as General Counsel to both the Pennsylvania Public School Building and Higher Educational Facilities Authorities.

Mr. Titelman went on to serve as Executive Vice President, Managed Care and Public Affairs, at Rite Aid Corporation, where he suffered substantial losses as a victim of one of the nation's largest securities frauds. He subsequently brought, and ultimately settled, an individual action for securities fraud against Rite Aid. Before joining BERNSTEIN LIEBHARD, he was a partner in the Washington, D.C. office of Duane Morris, LLP, a 500-lawyer national law firm.

Mr. Titelman has been active in Democratic politics for nearly 40 years. He is currently Co-Chair of the National Finance Committee of the Democratic Governors Association and a member of the National Financial Board of the Democratic National Committee. Among other recent activities, he served as national Finance Chair for the election of Pennsylvania Governor Ed Rendell, and as Co-Chair for the Democratic National Committee's battleground states finance efforts in 2004. He is also active with the Democratic Senate and Congressional Campaign Committees and the Democratic Attorneys General Association.

Mr. Titelman is admitted to the Bars of the Commonwealth of Pennsylvania and the United States District Court for the Middle District of Pennsylvania.



Timothy J. MacFall received his bachelor's degree in 1982 from Brooklyn College of the City University of New York, graduating *cum laude*, and received his J.D. in 1985 from Brooklyn Law School. Upon graduation from law school, he served as an Assistant District Attorney in the Narcotics Bureau of the Kings County District Attorney's Office. In 1987, he joined the Immigration & Naturalization Service as a Trial Attorney in the Alien Criminal Apprehension Program, and he was subsequently cross-designated a Special Assistant United States Attorney for the Eastern District of New York in connection with the first criminal prosecution of a corporation for violation of the Immigration Reform and Control Act of 1986. In 1988, Mr. MacFall was appointed as a Special Assistant United States Attorney in the Civil Division of the United States Attorney's Office for the Southern District of New York. While at the United States Attorney's Office, he was a guest speaker at a U.S. State Department Conference on the Supplementary Extradition Treaty between the United States and the United Kingdom of Great Britain and Northern Ireland, addressing the constitutional issues arising from the elimination of the political offense exception and renewed extradition requests under the Supplementary Treaty. Mr. MacFall has practiced all aspects of securities laws for the past 14 years.

Mr. MacFall is currently working on several securities fraud class actions against numerous issuers of securities for allegedly misleading investors, including *In re Marsh & McLennan Companies, Inc. Securities Litigation*. Mr. MacFall has also been involved in many securities fraud class actions that were prosecuted to a successful conclusion, such as *In re Take-Two Interactive Software Securities Litigation* (\$7.5 million cash settlement), *In re NCI Building Systems, Inc. Securities Litigation* (\$7 million cash settlement), *In re Turnstone Systems, Inc. Securities Litigation* (\$7 million cash settlement), *In re The St. Paul Companies Securities Litigation* (\$6.325 million cash settlement), *In re Unisys Corp. Securities Litigation* (\$5.75 million cash settlement) and *In re Fidelity Holdings Securities Litigation* (\$4.45 million cash settlement).

Mr. MacFall is admitted to the Bar of the State of New York. He is also admitted to practice before the United States District Courts for the Southern and Eastern Districts of New York, the District of Colorado, the Eastern District of Wisconsin, and the United States Court of Appeals for the Second Circuit.



### ***Of Counsel***

Mark T. Millkey received his bachelor's degree in 1981 from Yale University (B.A., English), his masters in 1983 from the University of Virginia (M.A., English), and his J.D. in 1987 from the University of Virginia. Mr. Millkey is currently working on several securities fraud class actions, including *In re Royal Dutch/Shell Transport Securities Litigation Inc.* (D.N.J.). Before joining Bernstein Liebhard & Lifshitz, LLP, Mr. Millkey was associated with Powell, Goldstein, Frazer & Murphy in Atlanta from 1987 through 1988, and with Simpson Thacher & Bartlett in New York from 1988 through 1994. At both firms, he practiced in the area of commercial litigation. In 1995, Mr. Millkey worked on a derivative litigation regarding overcharges for the provision of electricity. From 1996 through early 2003, Mr. Millkey worked at a prominent Manhattan plaintiffs' securities firm, where he became Special Counsel and worked principally on consumer fraud class actions. Among many other matters, Mr. Millkey worked extensively on a major litigation against MetLife that resulted in a benefit to the class of approximately \$1.7 billion. He has significant appellate experience in both the state courts of New York and the federal system, and he has worked extensively in the area of derivative litigation. Mr. Millkey is a member of the Bars of the States of New York and Georgia and the federal district courts for the Southern District of New York and the Northern District of Georgia.

Felecia L. Stern received her bachelor's degree in 1989 from Cornell University. She received her J.D. in 1992 from the University of Pennsylvania Law School, where she graduated *cum laude* and served as Comments Editor on the Law Review. After graduation, Ms. Stern served as a law clerk to the Honorable Francis X. Altimari of the United States Court of Appeals for the Second Circuit. Following her clerkship, and before joining Bernstein Liebhard & Lifshitz, LLP, Ms. Stern worked at Simpson Thacher & Bartlett LLP, where she represented defendant corporations in complex commercial litigations, including many securities fraud class actions and shareholders' rights litigations. She was also involved in a number of SEC and other governmental investigations. Ms. Stern joined the firm in 2002, and concentrates her practice in securities fraud actions. She also has significant appellate experience and

has worked on important securities appeals during both her tenure at Simpson Thacher and the firm, including *In re Initial Public Offering Securities Litigation*, one of the largest securities class actions in history. Since joining the firm, Ms. Stern has been involved in several class actions that were successfully resolved on behalf of aggrieved investors and consumers, including *In re Deutsche Telekom AG Securities Litigation* (S.D.N.Y. 2005), which resulted in a \$120 million settlement fund for investors. Ms. Stern is admitted to practice in the State of New York and the federal district courts for the Southern and Eastern Districts of New York.

Ronald J. Aranoff is a 1995 graduate of Benjamin N. Cardozo School of Law. Mr. Aranoff has previously served as an Assistant District Attorney in Kings County, New York, where he successfully tried numerous cases to verdict. He has also served as both a civil and criminal litigator in the private sector. Mr. Aranoff concentrates his practice on consumer and antitrust class action litigations. He is admitted to the Bars of the State of New York and the United States District Courts for the Southern and Eastern Districts of New York.

Christian Siebott is a 1998 graduate of the City University of New York School of Law, where he was the Belle Zeller Scholar. He holds degrees from both Penn State and Syracuse Universities, and has also served in the United States Air Force.

Following law school, Mr. Siebott clerked in the United States Court of Appeals for the Second Circuit and the United States District Court for the Southern District of New York, and has served as an adjunct professor of law at Benjamin Cardozo School of Law.

Before joining the firm in 2006, Mr. Siebott was associated with a prominent Manhattan plaintiffs' securities firm. He concentrates his practice in securities fraud actions, and has worked on several noteworthy securities class actions, including perhaps the largest ever litigated: *In re Initial Public Offering Securities Litigation*. He has had significant appellate experience in federal courts of appeals and the Supreme Court. Mr. Siebott is committed to pro bono practice and has represented the families of uniformed rescuers before the 9/11 Victims Compensation Board.

Mr. Siebott is active in the New York City Bar Association and the Federal Bar Council, and is admitted to practice in the State of New York, the United States District Courts for the Eastern and

Southern Districts of New York, and the United States Courts of Appeals for the Federal, Second, Third, and Fourth Circuits.

Abraham I. Katsman received his bachelor's degree in 1985 from Yeshiva University, and received his J.D. in 1989 from the Benjamin R. Cardozo School of Law. Mr. Katsman works on securities fraud class actions against issuers of securities for allegedly misleading investors. Mr. Katsman is currently a member of the team working on *In re Initial Public Offering Securities Litigation*, one of the largest securities class actions in history. Mr. Katsman is admitted to the Bars of the States of New York and New Jersey and the District of Columbia. He is also admitted to practice before the Bars of the federal district courts for the Southern and Eastern Districts of New York and the District of New Jersey.

### ***Associates***

Mary U. Hoover received her bachelor's degree in 1980 from Lawrence University, and received her J.D. in 1992 from the Fordham University School of Law. Ms. Hoover is currently working on several securities fraud class actions against numerous issuers of securities for allegedly misleading investors, including *In re Royal Dutch/Shell Transport Securities Litigation* (D.N.J.). Ms. Hoover is admitted to the Bars of the States of New York and Connecticut.

Caroline Marshall received her bachelor's degree from Dartmouth College in 1988, and received her J.D. from Fordham University School of Law in 1992, where she was captain of the National Moot Court team. Following law school, Ms. Marshall was an Assistant District Attorney in Manhattan and later practiced criminal defense, both as a public defender and in private practice. Prior to joining the firm in 2006, Ms. Marshall was associated with a prominent Manhattan plaintiffs' securities firm where she worked on securities class actions. Ms. Marshall is admitted to the Bar of the State of New York.

Susan Collyer received her bachelor's degree in 1990 from the University of Massachusetts, graduating cum laude and as a member of the *psi chi* chapter, and received her J.D. in 1995 from the University of San Diego School of Law.

Ms. Collyer concentrates her practice on consumer fraud, insurance, antitrust and civil rights class actions. Prior to joining Bernstein Liebhard & Lifshitz, LLP, Ms. Collyer was associated with a

prominent California law firm where she represented plaintiffs in numerous successful class action cases, including actions against large life insurance companies, such as Metropolitan Life Insurance Company and American General Life & Accident Company, seeking relief under the Federal Civil Rights Act for racial discrimination in the sale and administration of life insurance policies. These actions were settled for \$145 million and \$234 million, respectively. Ms. Collyer was also involved in settling numerous class actions brought by policyholders against life insurance companies, including Transamerica Life Insurance Company, General American Life Insurance Company, American General Life Insurance Company, Manufacturer's Life, Metropolitan Life, US Life, Franklin Life, Equitable of Iowa and Principal Life, seeking redress for deceptive sales practices. Ms. Collyer also has experience litigating cases alleging discrimination in the underwriting, sale and administration of auto and homeowners insurance, as well as cases involving unlawful credit scoring and predatory lending practices.

Ms. Collyer is admitted to the Bar of the State of California. She is also admitted to practice before the bars of the federal district courts for the Southern, Eastern, Western, and Northern Districts of California. Ms. Collyer is also a member of American Trial Lawyers Association, American Bar Association, Association of Business Trial Lawyers and the Federal Bar Association.

Joseph R. Seidman, Jr. received his bachelor's degree in 1994 from Queens College of the City University of New York, and received his J.D. in 1997 from St. John's University School of Law. Mr. Seidman is currently working on several securities fraud class actions against numerous issuers of securities for allegedly misleading investors, including *In re Marsh & McLennan Companies, Inc. Securities Litigation* (S.D.N.Y.). Mr. Seidman is admitted to the Bar of the State of New York. He is also admitted to practice before the Bars of the federal district courts for the Southern and Eastern Districts of New York and the Court of Appeals for the Sixth Circuit.

Gregory M. Egleston received his bachelor's degree in 1992 from Fordham University, graduating *magna cum laude*, his master's degree in 1994 from Columbia University (French literature), and his J.D. in 1997 from New York Law School. Mr. Egleston is currently working on several securities fraud class actions against numerous issuers of securities for allegedly misleading investors, including *In re Royal Dutch/Shell Transport Securities Litigation* (D.N.J.) and *In re Marsh & McLennan Companies,*

*Inc. Securities Litigation* (S.D.N.Y.). Mr. Egleston is admitted to the Bars of the States of New York and Connecticut. He is also admitted to practice before the Bars of the federal district courts for the Southern and Eastern Districts of New York and the District of Connecticut.

Brian S. Cohen received his bachelor's degree in 1994 from George Washington University (B.A., Accounting), and received his J.D. in 1997 from St. John's University School of Law, where he was a member of the St. John's Law Review. Mr. Cohen is the author of "Corporate Governance for the Entrepreneur," published in the Winter 1997 Volume of the St. John's Law Review. 71 St. John's L. Rev. 125 (1997). Mr. Cohen is currently working on several securities fraud class actions against numerous issuers of securities for allegedly misleading investors, including *In re Royal Dutch/Shell Transport Securities Litigation* (D.N.J.). Mr. Cohen also works on several antitrust actions and consumer class actions. Before joining Bernstein Liebhard & Lifshitz, LLP, Mr. Cohen was associated with Wolf Haldenstein Adler Freeman & Herz LLP, where he was involved in many successful class actions, including *In re BankAmerica Corp., Inc. Securities Litigation* (E.D. Mo.) (\$490 million recovery), *In re MicroStrategy, Inc. Securities Litigation* (E.D. Va.) (\$192.5 million recovery), and *In re Synavant, Inc.* (Del. Ch.) (increased hostile bidder's acquisition price by 40%). Mr. Cohen was a key member of a trial team that obtained a multi-million dollar jury verdict, including punitive damages. Mr. Cohen is admitted to the Bars of the States of New York and Connecticut. He also is admitted to practice before the Bars of the federal district courts for the Southern and Eastern Districts of New York and the District of Connecticut.

Michael S. Bigin received his bachelor's degrees in 1995 from the State University of New York at Oswego (B.A., history; B.S., business administration), and received his J.D. from St. John's University School of Law, where he was a member of the American Bankruptcy Institute Law Review and Moot Court Honor Society. Mr. Bigin is currently working on several securities fraud class actions against numerous issuers of securities for allegedly misleading investors, including *In re Royal Dutch/Shell Transport Securities Litigation* (D.N.J.) and *In re Cigna Corporation Securities Litigation* (E.D. Pa.). Before joining Bernstein Liebhard & Lifshitz, LLP, Mr. Bigin was associated with Stull, Stull & Brody, where he represented plaintiffs in securities class actions. Mr. Bigin is admitted to the Bar of the State of

New York. He is also admitted to practice before the Bars of the federal district courts for the Southern and Eastern Districts of New York.

Alden W. Vedder received his bachelor's degree in 1994 from Oberlin College, and received his J.D. in 1998 from Duquesne University School of Law. Mr. Vedder is the author of an article, "Federal Securities Claims Improperly Removed Under SLUSA Law of 1998," which analyzes a significant Seventh Circuit securities decision. The article was published in May 2003 for the Allegheny County Bar Association. Mr. Vedder works on securities fraud class actions against issuers of securities for allegedly misleading investors. Mr. Vedder is currently a member of the team working on *In re Initial Public Offering Securities Litigation*, one of the largest securities class actions in history. Mr. Vedder is admitted to the Bar of the Commonwealth of Pennsylvania.

Stephanie M. Beige received her bachelor's degree in 1996 from Dowling College, graduating *cum laude*, and received her J.D. in 2000 from Touro College Jacob D. Fuchsberg Law Center, graduating *summa cum laude*, where she was a member of the Touro Law Review. Ms. Beige is currently working on several securities fraud class actions against numerous issuers of securities for allegedly misleading investors, including *In re Marsh & McLennan Companies, Inc. Securities Litigation Inc.* (S.D.N.Y.), *In re Cigna Corporation Securities Litigation* (E.D. Pa.), *In re Constar International Securities Litigation* (E.D. Pa.), *In re: TASER International Securities Litigation* (D. Ariz.), and *In re Mutual Funds Investment Litigation* (E.D. Md.). Ms. Beige has also been involved in several securities fraud class actions that were successfully prosecuted on behalf of aggrieved investors, such as *Rush v. Footstar, Inc.* (S.D.N.Y.) (\$19.3 million settlement). Before joining Bernstein Liebhart & Lifshitz, LLP, Ms. Beige was associated with a prominent Manhattan plaintiffs' securities firm, where she represented plaintiffs in securities class actions and mass tort actions. Ms. Beige is admitted to the Bar of the State of New York. She is also admitted to practice before the Bar of the federal district court for the Southern District of New York.

Ann M. Lipton graduated *magna cum laude* from Harvard Law School in 2000, where she served as an Articles Editor for the Harvard Law Review and was awarded the Sears Prize for her second-year grade point average. After law school, Ms. Lipton clerked for Chief Judge Edward R. Becker of the Third



Circuit Court of Appeals and Justice David H. Souter of the United States Supreme Court. Following her clerkships, Ms. Lipton entered private practice, where she focused on securities fraud actions and appellate work. Thereafter, Ms. Lipton worked as a staff attorney for the Securities and Exchange Commission before joining the firm.

Ms. Lipton is admitted to practice in the State of New York, the United States District Courts for the Southern and Eastern Districts of New York, and the United States Courts of Appeal for the Second and Third Circuits.

Amina J. Akram received her bachelor's degree in 1998 from Kinnaird College, Lahore (B.A. English Literature, Psychology) and received her LL.B from Pakistan College of Law, Lahore in 2001, where she was a member of the Pakistan Law Review and served as a Teacher's Assistant during her second and third years. She received her LL.M in International Economic Law from the University of Houston Law Center in 2004. Ms. Akram is currently working on several securities fraud class actions against numerous issues of securities for allegedly misleading investors, including *In re Royal Dutch/Shell Transport Securities Litigation* (D.N.J.). Ms. Akram is awaiting admission to the Bar of the State of New York.

Dominick T. Gaetano received his bachelor's degree in 1995 from Villanova University, and received his J.D. from Widener University School of Law in 1998. Mr. Gaetano works on securities fraud class actions against issuers of securities for allegedly misleading investors. Mr. Gaetano is currently a member of the team working on *In re Initial Public Offering Securities Litigation*, one of the largest securities class actions in history. Mr. Gaetano is admitted to the Bars of the State of New Jersey and the District of Columbia. He is also admitted to practice before the Bar of the federal district court for the District of New Jersey.

Sabina Sosunova received her bachelor's degree in 1999 from Hunter College, and received her J.D. from Hofstra University School of Law in 2002, where she served as the Managing Editor of Articles of the Hofstra Labor & Employment Law Journal. Ms. Sosunova is the co-author of The Eleventh Amendment: "A Work in Progress," published in the Fall, 2001 Volume of Hofstra Labor & Employment Law Journal. 19 Hofstra Lab. & Emp. L.J. 255 (2001).

Ms. Sosunova works on securities fraud class actions against issuers of securities for allegedly misleading investors. Ms. Sosunova is currently a member of the team working on *In re Initial Public Offering Securities Litigation*, one of the largest securities class actions in history. Ms. Sosunova is admitted to the Bars of the State of New York and New Jersey.

Jeffrey D. Lerner received his bachelor's degree in 1998 from Franklin & Marshall College (B.A. History), and received his J.D. from Temple University School of Law in 2003, where he was a member of the Temple Law Review. Mr. Lerner is the author of "Encouraging Litigation at the Expense of Our Children: The Inapplicability of Buckhannon Board and Care Home, Inc. v. West Virginia Department of Health and Human Resources to the Individuals With Disabilities Education Act," published in the Summer 2003 Volume of the Temple Law Review. 76 Temp. L. Rev. 381 (2003). Mr. Lerner is currently working on several securities fraud class actions against numerous issuers of securities for allegedly misleading investors, including *In re NTL, Inc. Securities Litigation* (S.D.N.Y.), *In re Bellsouth Corporation Securities Litigation* (N.D. Ga.), and *In re: TASER International Securities Litigation* (D. Az.). Mr. Lerner is also involved in several class actions brought on behalf of aggrieved consumers. Before joining Bernstein Liebhard & Lifshitz, LLP, Mr. Lerner was associated with Miller Faucher and Cafferty in Philadelphia, where he represented plaintiffs in antitrust, consumer, and employment class actions. He is admitted to the Bars of the States of New Jersey and Pennsylvania. He is also admitted to practice before the Bar of the federal district court for the District of New Jersey.

Daniel Fried received his bachelor's degree in 2000 from Boston University, and received his J.D. in 2004 from the University of Miami School of Law, where he graduated *cum laude*, and where he was a member of the University of Miami International and Comparative Law Review. Mr. Fried works on securities fraud class actions against issuers of securities for allegedly misleading investors. He is currently a member of the team working on *In re Initial Public Offering Securities Litigation*, one of the largest securities class actions in history. Mr. Fried is admitted to the Bars of the States of New York, New Jersey, and Florida.

Tania T. Taveras received her bachelor's degree in 1999 from Hunter College of the City University of New York (B.A. Political Science, with a minor in economics), graduating *cum laude*, and

received her J.D. in 2004 from Fordham University School of Law, where she was a member of the Fordham Environmental Law Journal, and where she served as a legal intern in a non-profit legal clinic, the Lincoln Square Legal Services, Inc. Ms. Taveras is currently working on several securities fraud class actions against numerous issuers of securities for allegedly misleading investors, including *In re Royal Dutch/Shell Transport Securities Litigation* (D.N.J.). Ms. Taveras is admitted to the Bars of the States of New York and New Jersey.

Michael W. Lawrence received his bachelor's degree in 1999 from the State University of New York at Binghamton (B.A. Political Science), and received his J.D. in 2004 from The George Washington University Law School, where he was a member of the Environmental Lawyer. Mr. Lawrence is the author of "The Regulation of Concentrated Animal Feeding Operations and Record Recalls of Meat Products in the United States: The Feasibility of Local Controls and Likelihood of National Impact," published in Volume 9 of the Environmental Lawyer. 9 Envtl Law. 521 (2003). Mr. Lawrence is currently working on several securities fraud class actions against numerous issuers of securities for allegedly misleading investors, including *In re Bellsouth Corporation Securities Litigation Inc.* (D. Ga.), and *Carlson v. Xerox Corporation* (D. Conn.). Mr. Lawrence is admitted to the Bar of the State of New York.

Rebecca R. Cohen received her bachelor's degree in 2001 from Brown University (B.A., history), and received her J.D. in 2005 from Benjamin N. Cardozo School of Law, where she served as a Notes Editor for the Cardozo Journal of Conflict Resolution, and as a litigation assistant for the Innocence Project (a non-profit legal clinic dedicated to exonerating the wrongfully convicted through post-conviction DNA testing and implementing reforms to prevent wrongful convictions). Ms. Cohen is currently working on several securities fraud class actions against numerous issuers of securities for allegedly misleading investors, including *In re Royal Dutch/Shell Transport Securities Litigation* (S.D.N.Y.), *In re Cigna Corporation Securities Litigation* (E.D. Pa.), and *In re Constar International Securities Litigation* (E.D. Pa.). Ms. Cohen is awaiting admission to the Bar of the State of New York.

Hanna Rabinovich received her bachelor's degree in 2001 from McGill University (B.A., History), and received her J.D. in 2005 from Brooklyn Law School, where she served as a legal intern in

several non-profit legal clinics, including BLS Legal Services Corp. and the Children's Law Center. Ms. Rabinovich works on securities fraud class actions against issuers of securities for allegedly misleading investors. Ms. Rabinovich is currently a member of the team working on *In re Initial Public Offering Securities Litigation*, one of the largest securities class actions in history. Ms. Rabinovich is admitted to the Bars of the States of New York and New Jersey.

Laura Kathryn Hughes received her bachelor's degree in 1999 from Cornell University (B.A. American Studies), and received her J.D. in 2005 from Brooklyn Law School, where she was a member of the Brooklyn Journal of International Law. Ms. Hughes is currently working on several securities class actions against issuers of securities for allegedly misleading investors, including *In re Xerox Securities Litigation* (D. Conn.), and *In re Abercrombie & Fitch Co. Securities Litigation* (S.D.N.Y.). Ms. Hughes is also working on several consumer class actions on behalf of aggrieved consumers. Ms. Hughes is admitted to the Bar of the State of New York.

Amy Abate received her bachelor's degree in 2001 from Boston College (B.A. Economics, with a minor in Italian), graduating *cum laude*, and received her J.D. in 2005 from Brooklyn Law School, where she was a member of the Brooklyn Journal of International Law. Ms. Abate is currently working on several securities fraud class actions against numerous issuers of securities for allegedly misleading investors, including *In re Royal-Dutch/Shell Transport Securities Litigation* (D.N.J.). Ms. Abate is admitted to the Bars of the States of New York and Connecticut.

Dana Statsky Smith received her bachelor's degree in 2002 from Binghamton University (B.A. Environmental Studies, with a concentration in Public Policy, Administration and Law), graduating *cum laude*, and received her J.D. in 2005 from Fordham University School of Law, where she was a member of the International Law Journal, and where she served as a legal intern in a non-profit legal clinic, the Lincoln Square Legal Services, Inc. Ms. Smith is currently working on several securities fraud class actions against numerous issuers of securities for allegedly misleading investors, including *In re Royal Dutch/Shell Transport Securities Litigation* (D.N.J.). Ms. Smith is admitted to the Bar of the State of New Jersey, and is awaiting admission in the State of New York.

Christine Laurent received her bachelor's degree in 2000 from Wesleyan University (B.A. Government), and received her J.D. in 2005 from New York Law School, graduating *cum laude*. Ms. Laurent is currently working on several securities fraud class actions against numerous issuers of securities for allegedly misleading investors, including *In re Royal Dutch/Shell Transport Securities Litigation* (D.N.J.), *In re Bellsouth Corporation Securities Litigation* (N.D. Ga.), and *Carlson v. Xerox Corporation* (D. Conn.). Ms. Laurent is awaiting admission to the Bar of the State of New York.

David J. Welch received his bachelor's degree in 2002 from The Ohio State University (B.A. Financial Management), and received his J.D. in 2005 from Hofstra University School of Law, graduating *cum laude*, where he was a member of the Moot Court Association and the Corporate Law Society, and where he served as a legal intern in a non-profit legal clinic, the Political Asylum Clinic. Mr. Welch is currently working on several securities fraud class actions against numerous issuers of securities for allegedly misleading investors, including *In re Bellsouth Corporation Securities Litigation Inc.* (D. Ga.), and *Carlson v. Xerox Corporation* (D. Conn.). Mr. Welch is admitted to the Bar of the State of New York and is awaiting admission to the Bar of the District of Columbia.

Emily Kern received her bachelor's degree in 2001 from Pitzer College (B.A. Political Studies), and received her J.D. in 2005 from Brooklyn Law School. Ms. Kern is currently working on several securities fraud class actions against numerous issuers of securities for allegedly misleading investors, including *In re Royal Dutch/Shell Transport Securities Litigation* (D.N.J.). Ms. Kern is admitted to the Bar of the State of New York.

Jeffrey Silber received his bachelor's degree in 2002 from Brooklyn College (B.S. Business Management and Finance), graduating *cum laude*, and received his J.D. in 2005 from St. John's University School of Law, where he was a member and student editor of the New York Real Property Law Journal. Mr. Silber is currently working on several securities fraud class actions against numerous issuers of securities for allegedly misleading investors, including *In re Royal Dutch/Shell Transport Securities Litigation* (D.N.J.). Mr. Silber is admitted to the Bars of the States of New York and New Jersey.

### *Investigators*

Steven Peitler received a Bachelors Degree from the State University of New York, where he majored in the Studies of Criminal Investigation. He worked for the New York City Police Department from 1981 until 2001. In 1985, he was assigned to the Organized Crime Control Bureau, Manhattan North Narcotics, and promoted to Detective soon thereafter. In January 1988, he was assigned to the New York Drug Enforcement Task Force of the Drug Enforcement Administration, which consists of Federal Drug Enforcement Agents, New York City Detectives, and New York State Troopers. While assigned to the Task Force, he was the case agent for the largest wiretap investigation ever undertaken into the Colombian drug cartel's illicit activity. During that investigation, the Task Force used over 150 court-authorized wiretaps, spanning more than three years, to bring the investigation to a successful conclusion. In 1993, Mr. Peitler was transferred to the Queen's Detective Area/Queens Homicide Squad. In 1997, he was promoted to Detective 2nd Grade.

In 2000, Mr. Peitler joined a prominent Manhattan plaintiffs' securities firm as an investigator. In July 2003, he joined Bernstein Liebhards & Lifshitz, LLP. He is also a consultant for Orion Scientific, conducting training seminars on wiretap investigations for The Federal Bureau of Investigation, the Drug Enforcement Administration, the Customs Service, and various state and local police agencies.

Loren Berger is a veteran investigator with extensive experience investigating financial fraud, securities violations, and other corporate wrongdoing. Before joining Bernstein Liebhards in 2003, she worked as a senior case manager for a national investigative firm based in Washington, D.C., The Investigative Group International Inc. During her ten years at The Investigative Group, she directed some of the firm's most complex cases, including matters involving white-collar crime, antitrust violations, money laundering, and political opposition research on behalf of U.S. gubernatorial, senate, and presidential candidates. Ms. Berger has also worked as an investigative journalist for "CBS-60 Minutes," "PBS-Frontline," and BusinessWeek. She has a Bachelor of Journalism degree from the University of Missouri School of Journalism and is a Certified Fraud Examiner.

September 2007

# **EXHIBIT E**



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**FIRM RESUME**

Glancy Binkow & Goldberg LLP has represented investors and consumers in federal and state courts throughout the United States for sixteen years. Based in Los Angeles, California and with offices in New York, New York and San Francisco, California, Glancy Binkow & Goldberg has developed expertise prosecuting securities fraud, antitrust and complex commercial litigation. As Lead Counsel or as a member of Plaintiffs' Counsel Executive Committees, Glancy Binkow & Goldberg has recovered in excess of \$1 billion for parties wronged by corporate fraud and malfeasance. The firm's efforts on behalf of individual investors have been the subject of articles in such publications as The Wall Street Journal, The New York Times and The Los Angeles Times.

Appointed as Lead or Co-Lead Counsel by federal judges throughout the United States, Glancy Binkow & Goldberg has achieved significant recoveries for class members, including:

In re Heritage Bond Litigation, USDC Central District of California, Case No. 02-ML-1475-DT, where as Co-Lead Counsel, Glancy Binkow & Goldberg recovered in excess of \$28 million for defrauded investors and continues to pursue additional defendants.

In re ECI Telecom Ltd. Securities Litigation, USDC Eastern District of Virginia, Case No. 01-913-A, in which Glancy Binkow & Goldberg served as sole Lead Counsel and recovered almost \$22 million for defrauded ECI investors.

Yaldo v. Airtouch Communications, State of Michigan, Wayne County, Case No. 99-909694-CP, in which Glancy Binkow & Goldberg served as Co-Lead Counsel and achieved a settlement valued at over \$32 million for defrauded consumers.

In re Infonet Services Corporation Securities Litigation, USDC Central District of California, Case No. CV 01-10456 NM, in which as Co-Lead Counsel, Glancy Binkow & Goldberg achieved a settlement of \$18 million.

In re Musicmaker.com Securities Litigation, USDC Central District of California, Case No. 00-02018, a securities fraud class action in which Glancy Binkow & Goldberg was sole Lead Counsel for the Class and recovered in excess of \$13 million.

In re ESC Medical Systems, Ltd. Securities Litigation, USDC Southern District of New York, Case No. 98 Civ. 7530, a securities fraud class action in which Glancy Binkow & Goldberg served as sole Lead Counsel for the Class and achieved a settlement valued in excess of \$17 million.

In re Lason, Inc. Securities Litigation, USDC Eastern District of Michigan, Case No. 99 76079, in which Glancy Binkow & Goldberg was Co-Lead Counsel and recovered almost \$13 million for defrauded Lason stockholders.

In re Inso Corp. Securities Litigation, USDC District of Massachusetts, Case No. 99 10193, a securities fraud class action in which Glancy Binkow & Goldberg served as Co-Lead Counsel for the Class and achieved a settlement valued in excess of \$12 million.

In re National TechTeam Securities Litigation USDC Eastern District of Michigan, Case No. 97-74587, a securities fraud class action in which Glancy Binkow & Goldberg served as Co-Lead Counsel for the Class and achieved a settlement valued in excess of \$11 million.

In re Ramp Networks, Inc. Securities Litigation, USDC Northern District of California, Case No. C-00-3645 JCS, a securities fraud class action in which Glancy Binkow & Goldberg served as Co-Lead Counsel for the Class and achieved a settlement of nearly \$7 million.

Glancy Binkow & Goldberg filed the initial landmark antitrust lawsuit against all of the major NASDAQ market makers and served on Plaintiffs' Counsel's Executive Committee in In re Nasdaq Market-Makers Antitrust Litigation, USDC Southern District of New York, Case No. 94 C 3996 (RWS), MDL Docket No. 1023, which recovered \$900 million for investors in numerous heavily traded Nasdaq issues.

In addition, Glancy Binkow & Goldberg serves as Class Counsel in In re Real Estate Associates Limited Partnership Litigation, USDC Central District of California, Case No. 98-7035 DDP, in which plaintiffs' Counsel achieved a \$184 million jury verdict after a complex six week trial in Los Angeles, California and later settled the case for \$83 million.

The firm currently serves as Lead or Co-Lead Counsel in numerous securities fraud and consumer fraud actions throughout the United States, including, among others:

Shah v. Morgan Stanley Co.,  
USDC Southern District of New York, Case No. 03 Civ. 8761 (RJH)

Lapin v. Goldman Sachs,

USDC Southern District of New York, Case No. 03-0850-KJD

In re Gilat Satellite Networks, Ltd. Securities Litigation,

USDC Eastern District of New York, Case No. 02-1510 CPS

In re Lumenis, Ltd. Securities Litigation,

USDC Southern District of New York, Case No.02-CV-1989 DAB

Taft v. Ackermans (KPNQwest Securities Litigation),

USDC Southern District of New York, Case No. 02-CV-07951

In re Amdocs Ltd. Securities Litigation,

USDC Eastern District of Missouri, Case No. 02CV950 HEA

In re Heritage Bond Litigation,

USDC Central District of California, Case No. 02-ML-1475-DT

Payne v. IT Group, Inc.,

USDC Western District of Pennsylvania, Case No. 02-1927

Oscar Private Equity Investments v. Holland (Allegiance Telecom Securities Litigation),

USDC Northern District of Texas, Case No. 3:-CV-2761-H

Winer Family Trust v. Queen (Pennexx Securities Litigation),

USDC Eastern District of Pennsylvania, Case No. 2:03-cv-04318 JP

In re ADC Telecommunications Inc. Securities Litigation,

USDC District of Minnesota, Case No. 03-1194 (JNE/JGL)

Ree v. Procom Technologies, Inc.,

USDC Southern District of New York, Case No. 02CV7613

Capri v. Comerica, Inc.,

USDC Eastern District of Michigan, Case No. 02CV60211 MOB

Porter v. Conseco, Inc.,

USDC Southern District of Indiana, Case No. 02-1332 SEB

In re Livent, Inc. Noteholders Litigation,

USDC Southern District of New York, Case No. 99 Civ 9425

Tatz v. Nanophase Technologies Corp.,  
USDC Northern District of Illinois, Case No. 01C8440

Plumbing Solutions Inc. v. Plug Power, Inc.,  
USDC Eastern District of New York, Case No. CV 00 5553 (ERK) (RML)

In re Simon Transportation Services, Inc. Securities Litigation,  
USDC District of Utah, Case No. 2:98 CV 0863 K

The firm has also recently acted as Class Counsel in obtaining substantial benefits for shareholders in a number of actions, including:

In re F & M Distributors Securities Litigation,  
Eastern District of Michigan, Case No. 95 CV 71778 DT (Executive Committee Member) (\$20.25 million settlement)

James F. Schofield v. McNeil Partners, L.P. Securities Litigation,  
California Superior Court, County of Los Angeles, Case No. BC 133799

Resources High Equity Securities Litigation,  
California Superior Court, County of Los Angeles, Case No. BC 080254

The firm has served and currently serves as Class Counsel in a number of antitrust class actions, including:

In re Nasdaq Market-Makers Antitrust Litigation,  
USDC Southern District of New York, Case No. 94 C 3996 (RWS), MDL Docket No. 1023

In re Brand Name Prescription Drug Antitrust Litigation,  
USDC Northern District of Illinois, Eastern Division, Case No. 94 C 897

Glancy Binkow & Goldberg LLP has been responsible for obtaining favorable appellate opinions which have broken new ground in the class action or securities fields or which have promoted shareholder rights in prosecuting these actions. Glancy Binkow & Goldberg successfully argued the appeals in Silber v. Mabon I, 957 F.2d 697 (9th Cir. 1992) and Silber v. Mabon II, 18 F.3d 1449 (9th Cir. 1994), which are the leading decisions in the Ninth Circuit regarding the rights of opt-outs in class action settlements. In Rothman v. Gregor, 220 F.3d 81 (2d Cir. 2000), Glancy Binkow & Goldberg won a seminal victory for investors before the Second Circuit Court of Appeals, which adopted a more favorable pleading standard for investors in reversing the District Court's dismissal of the investors' complaint. After this successful appeal, Glancy Binkow & Goldberg then recovered millions of dollars for defrauded investors of the GT Interactive Corporation. The firm also argued Falkowski v. Imation Corp., 309 F.3d 1123 (9th Cir. 2002), *as amended*, 320 F.3d 905 (9th Cir. 2003) and favorably obtained the substantial reversal of a

lower court's dismissal of a cutting edge, complex class action brought to seek redress for a group of employees whose stock options were improperly forfeited by a giant corporation in the course of its sale of the subsidiary at which they worked. The revived action is currently proceeding in the California state court system.

The firm is also involved in the representation of individual investors in court proceedings throughout the United States and in arbitrations before the American Arbitration Association, National Association of Securities Dealers, New York Stock Exchange, and Pacific Stock Exchange. Mr. Glancy has successfully represented litigants in proceedings against such major securities firms and insurance companies as A.G. Edwards & Sons, Bear Stearns, Merrill Lynch & Co., Morgan Stanley, PaineWebber, Prudential, and Shearson Lehman Brothers.

One of firm's unique skills is the use of "group litigation" - the representation of groups of individuals who have been collectively victimized or defrauded by large institutions. This type of litigation brought on behalf of individuals who have been similarly damaged often provides an efficient and effective economic remedy that frequently has advantages over the class action or individual action devices. The firm has successfully achieved results for groups of individuals in cases against major corporations such as Metropolitan Life Insurance Company, and Occidental Petroleum Corporation.

Glancy Binkow & Goldberg LLP currently consists of the following attorneys:

#### **THE FIRM'S PARTNERS**

**LIONEL Z. GLANCY**, a graduate of the University of Michigan Law School, is the founding partner of the firm. After serving as a law clerk for United States District Judge Howard McKibben, he began his career as an associate at Patterson Belknap Webb & Tyler LLP concentrating in securities litigation. Thereafter, he started a boutique law firm specializing in securities litigation, and other complex litigation, from the Plaintiff's perspective. Mr. Glancy has established a distinguished career in the field of securities litigation over the last fifteen years, appearing as lead counsel on behalf of aggrieved investors in securities class action cases throughout the country. He has appeared and argued before dozens of district courts and several appellate courts, and has recovered billions of dollars in settlement proceeds for large classes of shareholders. Well known in securities law, he has lectured on its developments and practice at CLE seminars and law schools.

**PETER A. BINKOW**, a partner in Glancy Binkow & Goldberg, was born in Detroit, Michigan on August 16, 1965. Mr. Binkow earned his degree in English Literature from the University of Michigan in 1988 and attended law school at the University of Southern California (J.D., 1994). Mr. Binkow joined the Law Offices of Lionel Z. Glancy upon graduation and became a partner in 2002.

Mr. Binkow has prosecuted lawsuits on behalf of consumers and investors in state and federal courts throughout the United States. He served as Lead or Co-Lead Counsel in many class action cases, including In re Heritage Bond Litigation (\$28 million recovery), In re National Techteam Securities Litigation (\$11 million recovery), In re Credit Acceptance Corporation Securities Litigation (\$2.5 million recovery), In re Lason Inc. Securities Litigation (\$12.68 million recovery), In re ESC Medical Systems, Ltd. Securities Litigation (\$17 million recovery) In re GT Interactive Securities Litigation (\$3 million recovery) and many others. Mr. Binkow has prepared and/or argued appeals before the Ninth Circuit, Sixth Circuit and Second Circuit Courts of Appeals.

Mr. Binkow is admitted to practice before the state of California, the United States District Courts for the Central, Northern and Southern Districts of California, the United States District Court for the Eastern District of Michigan and the Ninth Circuit Court of Appeals. He is a member of the Los Angeles County Bar Association and the American Bar Association.

**MICHAEL GOLDBERG**, a partner in Glancy Binkow & Goldberg, specializes in federal securities, federal and state antitrust, and consumer fraud class action lawsuits. He has successfully litigated numerous cases which resulted in multi-million dollar recoveries for investors, consumers and businesses.

Mr. Goldberg was born in New York on April 27, 1966. He earned his B.A. degree in 1989 from Pitzer College - The Claremont Colleges, and his J.D. degree in 1996 from Thomas M. Cooley Law School. After graduation from law school, Mr. Goldberg joined the Law Offices of Lionel Z. Glancy and became a partner of Glancy Binkow & Goldberg in 2003. He was admitted to both the California and Florida bars in 1997 and is admitted to practice in numerous courts.

**SUSAN G. KUPFER**, the partner resident in the San Francisco office of Glancy Binkow & Goldberg, joined the firm in 2003. She is a native of New York City and received her A.B. degree from Mount Holyoke College in 1969 and her J.D. from Boston University School of Law in 1973. She did graduate work at Harvard Law School and, in 1977, was named Assistant Dean and Director of Clinical Programs at Harvard, supervising and teaching in that program of legal practice and related academic components.

For much of her legal career, she has been a professor of law. She has taught at Hastings College of the Law, Boston University School of Law, Golden Gate University School of Law and Northeastern University School of Law. Since 1991, she has been a lecturer on law at University of California, Berkeley, Boalt Hall, teaching Civil Procedure and Conflict of Laws. Her areas of academic expertise are Civil Procedure, Federal Courts, Conflict of Laws, Constitutional Law, Legal Ethics and Jurisprudence. Her publications include articles on federal civil rights litigation, legal ethics and jurisprudence. She has also taught various aspects of practical legal and ethical training, including trial advocacy, negotiation and legal ethics, to both law students and practicing attorneys.

She previously served as corporate counsel to The Architects Collaborative in Cambridge and San Francisco and was the executive director of the Massachusetts Commission on Judicial Conduct. She returned to the practice of law in San Francisco with Morgenstein & Jubelirer and Berman DeValerio



Pease Tabacco Burt & Pucillo before joining Glancy Binkow & Goldberg. Her practice is concentrated in antitrust, securities and consumer complex litigation. She has been a member of the lead counsel team that achieved significant settlements in the following cases: In re Sorbates Antitrust Litigation (\$96.5 million settlement), In re Pillar Point Partners Antitrust Litigation (\$50 million settlement), In re Critical Path Securities Litigation (\$17.5 million settlement), In re New Era of Networks II Securities Litigation (\$5 million settlement).

She is a member of the Massachusetts and California State Bars and the United States District Courts for the Northern, Central and Southern districts of California, the District of Massachusetts, the First and Ninth Circuits Courts of Appeal and the U.S. Supreme Court.

### OF COUNSEL

**ROBIN BRONZAFI HOWALD**, a native of Brooklyn, New York, returned home in 2001 to open the firm's New York City office. Ms. Howald graduated *magna cum laude* from Barnard College in 1980, with a B.A. in psychology. In 1983, she received her J.D. from Stanford Law School, where she served as an Articles Editor for the Stanford Law Review. In addition to her current focus upon securities fraud and consumer class action matters, during her 20-year career Ms. Howald has handled cases in many different practice areas, including commercial disputes, professional malpractice, wrongful termination, bankruptcy, patent and construction matters. As outside counsel for the City of Torrance, California, she also handled a number of civil rights and land use matters, as well as a ground-breaking environmental action concerning Mobil Oil's Torrance refinery. Ms. Howald has experience in pre-trial and trial procedure and has successfully prosecuted post-trial motions and appeals.

Mrs. Howald is a member of the bar of both California (1983) and New York (1995), and is admitted to practice in all federal judicial districts in California, the Southern and Eastern Districts of New York, and the United States Supreme Court. She co-authored "Potential Tort Liability in Business Takeovers" (California Lawyer; September 1986), was a speaker and contributing author at the Eighth Annual Current Environmental and Natural Resources Issues Seminar at the University of Kentucky College of Law (April 1991), and served as a Judge Pro Tem for the Los Angeles County Small Claims Court (1996-1997). Married in 1985, Mrs. Howald and her husband have two sons. An avid runner, Mrs. Howald has completed six marathons.

**NEAL A. DUBLINSKY** was born in Flushing, New York on January 15, 1963. He earned his undergraduate degree from Yeshiva University in 1984, graduating *summa cum laude*, (highest-ranking graduate of his class) and was the recipient of the Dean Isaac Bacon Award for Excellence in the Humanities. Mr. Dublinsky earned his J.D. from New York University School of Law in 1987 where he participated in the Consumer Protection Clinical Program under renowned Professor Anthony G. Amsterdam. Mr. Dublinsky was admitted to the state bar of California in 1988.

Mr. Dublinsky played a strong part in the Firm's successful resolution of the aforementioned matters of In re ESC Medical Systems, Ltd. Securities Litigation, USDC Southern District of New York, Case No. 98

Civ. 7530 and In re Lason, Inc. Securities Litigation, USDC Eastern District of Michigan, Case No. 99 76079. The published opinions in which Mr. Dublinsky has played a primary role include: City of Sterling Heights Police and Fire Retirement System v. Abbey Nat., PLC, --- F.Supp.2d ----, 2006 WL 846261 (S.D.N.Y., Mar 31, 2006) (NO. 05 CIV. 2141 (DC)); Falkowski v. Imation Corp., 309 F.3d 1123 (9th Cir. 2002), *as amended*, 320 F.3d 905 (9th Cir. 2003); Falkowski v. Imation Corp., 132 Cal.App.4th 499, 33 Cal.Rptr.3d 724 (Cal.App. 2005), *reh. den.* (Sep 27, 2005), *rev. den.* (Nov 30, 2005), and; Mirpuri v. ACT Mfg., Inc., 212 F.3d 624 (1st Cir. 2000). In addition, he played a primary role in Caprin v. Simon Transportation Services, Inc., 99 Fed.Appx. 150 (not selected for publication), 2004 WL 326995 (10th Cir. 2004). He also was an important participant in Rothman v. Gregor, 220 F.3d 81 (2nd Cir. 2000) and Shah v. Meeker, 435 F.3d 244 (2nd Cir. 2006).

**KEVIN F. RUF** was born in Wilmington, Delaware on December 7, 1961. Mr. Ruf graduated from the University of California at Berkeley in 1984 with a B.A. in Economics and earned his J.D. from the University of Michigan in 1987. Mr. Ruf was admitted to the State Bar of California in 1988. Mr. Ruf was an associate at the Los Angeles firm Manatt Phelps and Phillips from 1988 until 1992, where he specialized in commercial litigation. He was of counsel to the Los Angeles firm Corbin & Fitzgerald from 1993 until 2001 where he specialized in white collar criminal defense work, including matters related to National Medical Enterprises, Cynergy Film Productions and the Estate of Doris Duke. Mr. Ruf has extensive trial experience, including jury trials, and considers his courtroom skills to be his strongest asset as a litigator. In his spare time, Mr. Ruf is an actor and comic. He is a full member of the world-famous Groundlings Theatre and has appeared in a number of television shows and films, including "Seinfeld," "Friends," "Spin City," and "Curb Your Enthusiasm."

**ROBERT A. ZABB** attended Yale University and Columbia Law School, and received his B.A. in 1975 and his J.D. in 1979. Mr. Zabb is admitted to practice in California, New York and Massachusetts, in state and federal courts in those jurisdictions. His practice has consisted of general business litigation with a specialization in federal securities litigation on the plaintiff and defense sides. He has practiced actively in the United States District Courts for the Southern and Eastern Districts of New York, which are important centers for securities litigation. Mr. Zabb's accomplishments are reflected in numerous reported case decisions, particularly in the cases known as SEC v. Thrasher (Southern District of New York) and In re MTC Securities Litigation (Eastern District of New York). Mr. Zabb has had the privilege of arguing a case before the U.S. Supreme Court. This was a securities case delineating the permissible scope of a private right of action, and is known as Employers Insurance of Wausau v. Musick, Peeler and Garrett.

**SYLVIE KULKIN KERN** has been a commercial litigator for twenty years. She began her legal career as a law clerk to Justice John Holmdahl of the California Court of Appeal, First District, and then practiced law in San Francisco at Severson, Werson, Berke & Melchior (1985-1988); Brobeck Phleger & Harrison (1988-1993); and Morrison & Foerster LLP (1995-2004), where she was of counsel on the firm's securities litigation team. She joined Glancy Binkow & Goldberg LLP in 2005. In addition to her work in the securities field and her current focus on antitrust litigation, Ms. Kern has handled numerous complex commercial cases in state and federal court in the transportation, insurance, banking, real estate, and telecommunications industries, at both the law and motion and appellate stages. Born and raised in Nice,



France, Ms. Kern moved to Los Angeles with her family in 1962. She graduated from the University of California at Los Angeles, *magna cum laude* and Phi Beta Kappa, in 1973, with dual degrees in French and Political Science. She obtained her master's degree from the Johns Hopkins School of Advanced International Studies in 1975, and a law degree from Hastings College of the Law, where she served on the Hastings International and Comparative Law Review, in 1983. Prior to attending law school, Ms. Kern served as a Foreign Service officer with the United States Agency for International Development, managing foreign aid programs in El Salvador and Haiti. She speaks French, Spanish and Italian, and has lived or traveled in over thirty countries.

**FREDERICK W. GERKENS, III**, an of counsel to Glancy Binkow & Goldberg LLP, graduated from Fordham University Law School (*cum laude*, 1997) with an LL.M. in Corporate, Banking, and Finance law. Mr. Gerken received his J.D. degree from New York Law School (*cum laude*, 1995) and an M.B.A. from Temple University (1978). Mr. Gerken received his undergraduate degree from Temple University (B.A. Psychology, *cum laude*) in 1975. Mr. Gerken also is a Certified Public Accountant (New York, 1980).

Since graduating law school, Mr. Gerken was employed at the United States Securities and Exchange Commission, Division of Market Regulation, and thereafter practiced principally in securities class actions, complex commercial litigation, and employment law and was a partner at another prominent class action litigation firm.

Prior to law school, Mr. Gerken was employed at a major Wall Street investment firm as director of financial reporting and manager of regulatory reporting (1985-1992). Prior to that, Mr. Gerken was an auditor employed by recognized public accounting firms, with mostly financial institution clientele (1978-1985).

Mr. Gerken is a member of the American Bar Association (Litigation Section), the Association of the Bar of the City of New York and the American Institute of Certified Public Accountants.

Mr. Gerken played a prominent role in prosecuting several securities class actions to successful conclusion, resulting in settlements to the respective shareholder classes, including *In re BankOne Shareholders Litig.*, No. 00-CV-0880 (N.D. Ill.); *In re UNUMProvident Sec. Litig.*, No. 99-CV-301 (D. Me.); *In re Allied Products Sec. Litig.*, No. 99-CV-3597 (N.D. Ill.); *In re Laidlaw Stockholders Litig.*, No. 3:00-CV-0855-17 (D.S.C.); *In re Alliance Pharm. Corp. Sec. Litig.*, No. 01-CV-1674 (S.D.N.Y.); *In re Warnaco Group, Inc. Sec. Litig. (II)*, No. 01-CV-3346 (S.D.N.Y.); *In re Rediff Inc. Sec. Litig.*, No. 01-CV-3020 (S.D.N.Y.); *In re Abercrombie & Fitch Co. Sec. Litig.*, M21-83 (S.D.N.Y.); *In re Global Crossing, Inc. Sec. Litig.*, No. 02-CV-0910 (S.D.N.Y.); *In re Amazon.com, Inc. Sec. Litig.*, No. C-01-0358-L (W.D. Wash.); *In re Harnischfeger, Inc. Sec. Litig.*, Nos. 98-C-0524, 99-C-0598 (E.D. Wis.); *In re American Bank Note Holographics, Inc. Sec. Litig.*, No. 99-C-0598 (S.D.N.Y.); and *In re Avista Corp. Sec. Litig.*, No. CV-02-0328 (E.D. Wash.).

Mr. Gerken is admitted to practice in New York (1995), the United States Supreme Court, the United States Courts of Appeals for the Second, Fourth, Fifth and Sixth Circuits, and the United States District Courts for the Southern and Eastern Districts of New York and the Eastern District of Wisconsin.

**MICHAEL B. ACKERMAN** was born in Brooklyn, New York on June 30, 1962. He received his Bachelor of Arts from Columbia University in 1984 and attended Fordham University Law School (J.D. 1987). Mr. Ackerman was admitted to the New York bar in 1989 and the California bar in 1990. Mr. Ackerman is a member of the American Bar Association, the Los Angeles County Bar Association and the Association of the Bar of the City of New York.

**BRADLEY J. HILLIS** graduated from the University of Washington School of Law (J.D., 1988), where he was a member of Moot Court Honor Board. He received a B.A. from The Colorado College and M.A. in history from the University of Washington. Mr. Hillis is a member of the bars of New York, Massachusetts and Washington State, the U.S. District Courts for the Western District of Washington and Massachusetts, and the U.S. Courts of Appeal for the First and Ninth Circuits. He is the author of "Electronic Court Filing and the Internet," (The Journal of Appellate Practice and Process, volume 2:2, Winter 2000). He has previously worked as a deputy prosecuting attorney for the King County Prosecutor's Office, in Seattle, Washington, and was a member of the Advisory Board of Findlaw.com.

**ILANA KOHN** was born in Encino, California, on October 7, 1967. She earned her undergraduate degree from Mills College in 1993, with honors, and her J.D. from the University of San Francisco School of Law in 1999, with honors. Ms. Kohn was admitted to the State Bar of California in 1999, and is admitted to practice before the Northern, Central and Eastern Districts of California. Ms. Kohn specializes in class actions on behalf of defrauded investors and consumers. Prior to her class action work, Ms. Kohn was an associate in the San Francisco office of Schnader Harrison Segal and Lewis, where she specialized in commercial litigation. Since joining the firm in 2003, Ms. Kohn has been involved in the prosecution of the Initial Public Offering Securities Litigation pending in the United States District Court for the Southern District of New York, a coordinated proceeding of over 300 class action lawsuits based on market manipulation in initial public offerings during the high technology boom of the late 90s.

**JALA AMSELLEM** has been engaged in the private practice of civil litigation for over ten years. She has handled a broad variety of cases in the areas of corporate commercial, family law, personal injury and entertainment litigation. Jala is also a former legal writing professor who taught legal skills for twelve years. In her last academic position she was the Associate Director of the legal writing program at The George Washington School of Law. Recently, Jala founded The Bar Coach, a company dedicated to assisting bar takers pass the California Bar Exam.

Jala received her undergraduate degree from New York University in 1982 and her J.D. from Touro Law School in 1985. At Touro, Jala was the Senior Editor of the law review. Jala is admitted to the bars of California, New York, New Jersey, Michigan and the District of Columbia.

## ASSOCIATES

**MARCL. GODINO** has extensive experience successfully litigating complex, class action lawsuits as a plaintiffs' lawyer. Mr. Godino has played a primary role in cases resulting in settlements of more than \$100 million. He has prosecuted securities, derivative, ERISA, and consumer cases throughout the country in both State and Federal court as well as represented defrauded investors at NASD arbitrations.

While an associate with Stull Stull & Brody, Mr. Godino was one of the two primary attorneys involved in Small v. Fritz Co., 30 Cal. 4th 167 (April 7, 2003) in which the California Supreme Court created new law in the state of California for shareholders that held shares in detrimental reliance on false statements made by corporate officers. The decision was widely covered by national media including The National Law Journal, Los Angeles Times, New York Times, and the New York Law Journal, among others and was heralded as a significant victory for shareholders.

Other published decisions include: In re 2TheMart.com Securities Litigation, 114 F.Supp 2d 955 (C.D.Cal. 2002); In re Irvine Sensors Securities Litigation, 2003 U.S. Dist. LEXIS 18397 (C.D.Cal. 2003); Brown v. Computerized Thermal Imaging Inc., 2002 WL 31109563 (D.Or. 2002).

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**DALE MacDIARMID** is a native of Los Angeles, California. He holds a B.A. in Journalism (with Distinction) from the University of Hawaii, and a J.D. from Southwestern University School of Law, where he was member of the Board of Governors of the Interscholastic Trial Advocacy Honors Program. He is admitted to practice in California and before the United States District Courts for the Southern, Central and Northern Districts of California. Dale is a member of Kappa Tau Alpha, the national journalism honor society, and before joining Glancy Binkow & Goldberg he was a writer and editor for newspapers and magazines in Honolulu and Los Angeles.

**KARA M. WOLKE** graduated summa cum laude with a B.S.B.A. in Economics from The Ohio State University in 2001. Kara earned her J.D. (with honors) from Ohio State in May, 2005, where she was active in Moot Court and received the Dean's Award for Excellence for each of her three years. In 2005, she was a finalist in a national writing competition co-sponsored by the American Bar Association and the Grammy® Foundation. (7 Vand. J. Ent. L. & Prac. 411). Kara joined Glancy Binkow & Goldberg in the fall of 2005 and was admitted to the State Bar of California in January, 2006.

**ANDY SOHRN** joined Glancy Binkow & Goldberg LLP in 2006. He was admitted to the California Bar in January 2006 after receiving his J.D. from the University of California Los Angeles School of Law in May 2005. While attending law school, Andy was the Managing Editor of the Pacific Basin Law Journal, participated in Moot Court and was a Teaching Assistant for the Lawyering Skills program. He also holds a B.A. in Economics and Mathematics from Yale University (class of 2002).